

**IN THE COURT OF ADDITIONAL DISTRICT JUDGE,
RAMANATHAPURAM.**

**PRESENT: Thiru.C.Mohanram, M.A., B.L.,
Additional District Judge,
Ramanathapuram.**

Tuesday, the 12th day of August 2025

**I.A.157 of 2023 and I.A.No.158 of 2023
in
O.S. No.55/2017**

Between

1. N.S.Seeni Sahubar
2. N.S.Ahamed Abdul Kader
3. N.S.Mohamed Musthafa
(Represented by their
power agent Hathijaththu Saliha)

..... Petitioners / Plaintiffs

-vs-

1. N.S.Mohamed Sathakkuthambi (Died)
2. N.S.Naina Mohamed (Died)
3. N.S.Liakath Alikhan
4. Hasinathul Ayisha Beevi
5. Ahamed Sahibu
6. Asif Ali
7. Jerina Begum
8. Sithik Kamila
9. Noorul Ahasan
10. Mohamed Sulthan Umma
11. Ameer Sathik
12. Syed Nijamudeen

13. Ahamed Usain
14. Alila Apri
15. Samiha
16. Syed Sabia
17. Syed Sahira
18. S.N.M.Ahamed Samsudeen
19. Segu Abubakkar Sahibu
20. S.M.Jawahar Hussain
21. Segu Jamaludeen
22. M.M.Mohamed Lathiba Beevi

..... Respondents / Defendants

These two petitions were coming before me on 29.07.2025 for final hearing in the presence of Thiru.B.Sundarrajan counsel for petitioners / Plaintiffs and Thiru.J.Uduman counsel for Respondents 3, 9, 14 to 17 and A.Thirunavukarasu counsel for Respondents 18, 19 and 21 and other respondents have remained absent and upon hearing both side arguments and upon perusing the records this court passes the following

Common Order

I.A.157 of 2023

Petition is filed to grant permission to examine the Tahsildar, Keelakarai on the side of petitioners / Plaintiffs.

I.A.158 of 2023

Petition is filed to reopen the plaintiffs side evidence.

2. In both petitions, the petitioners are plaintiffs. The respondents are defendants. It is the contention of the petitioners / Plaintiffs that the petitioners / Plaintiffs have issued a notice to produce two documents mentioned in the proof affidavit filed by 16th defendant. The respondents / Defendants in their reply have stated that the Inam Settlement Deed dated 18.01.2016 was missing and the original document alleged to have been executed before the Notary Public was produced before the Tahsildar, Keelakarai. But, the respondents / Defendants have not produced the original document before the Tahsildar, Keelakarai. The said document was forged by the 1st respondent for the purpose of this case. The original document is necessary to decide this case and therefore the plaintiffs side evidence has to be reopened for the purpose of examining in the Tahsildar, Keelakarai.

3. The respondents / defendants 3, 9, 14 to 17 in their counter affidavit have stated that the documents mentioned in the notice given on the side of petitioners / Plaintiffs are one and same. The said document is Inam Settlement Deed dated 18.01.2016 executed in favour of Naina Mohamed and the original document was in the hands of their father Naina Mohamed. After the death of their father Naina Mohamed, the respondents have asked them to produce the said documents and they could not trace the said documents. They have further stated that they have not forged the document dated 18.01.2016 and copy of said document is available in the Tahsildar Office, Keelakarai and they have no objection to produce the said document in the court. There is no necessity to examine in the Tahsildar, Keelakarai and for that they can obtained the copy of document from the Office of Tahsildar,

Keelakarai and can mark the same. Therefore, this petitions have no merits and liable to be dismissed.

4. Point for consideration is **“Whether these two petitions are liable to allowed as prayed for?”**

5. No oral evidence or documentary evidence was let in by either side.

6. Arguments of both side heard.

7. **Answer to Point:**

The main suit was filed for partition and injunction. The trial was commenced on 18.04.2022 and plaintiffs side evidence closed on 09.02.2023. Defendants side evidence was commenced on 14.02.2023. On 28.02.2023 notice to produce document filed on the side of petitioners / Plaintiffs. The respondents / defendants 3, 9, 14 to 17 have filed a memo on 06.03.2023 stating that the original documents that are sought for by the petitioners / Plaintiffs are not available. In the above circumstances the petitioners / Plaintiffs have come forward with these two applications for reopening of plaintiffs side evidence so as to examine the Tahsildar, Keelakarai.

8. The respondents / defendants 3, 9, 14 to 17 have specifically stated that they are not able to trace the documents sought for by petitioners / Plaintiffs and the copy of documents sought for by petitioners / Plaintiffs are available in the Office of Tahsildar, Keelakarai. So, this court with a view to afford an opportunity to the petitioners / Plaintiffs is of the considered view that no

serious prejudice would have been caused to the respondents / defendants in the event of permitting the petitioners / Plaintiffs to examine the Tahsildar, Keelakarai and for that the petitioners / Plaintiffs evidence can be reopened. If the petitioners/ Plaintiffs are not permitted to examine the Tahsildar, Keelakarai, they would put into undue hardship and injury. Therefore these two petitions are liable to be allowed as prayed for.

In the result both petitions are allowed. No cost.

Dictated to Typist directly and typed by him in the computer, corrected and pronounced by me in open Court on this the 12th day of August 2025.

Additional District Judge,
Ramanathapuram.

List of witness and document on either side :

Nil

Additional District Judge,
Ramanathapuram.

Additional District Court
Ramanathapuram
I.A.No.157/2023 and
I.A.158/2023 in
O.S.No.55/2017
Draft/Fair Order
12.08.2025